

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0690

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On January 2, 2007, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was unable to work from July 15, 2007 to November 24, 2007. On January 22, 2007, that decision became final without a request for hearing having been filed. On January 3, 2008, the Department served notice of an administrative decision assessing a \$6,292 overpayment and 26 penalty weeks based on the January 2, 2007 administrative decision. On January 23, 2008, the overpayment decision became final without a request for hearing having been filed. On February 13, 2014, claimant filed a late telephone request for hearing on the overpayment decision. On February 24, 2014, ALJ Kangas issued Hearing Decision 14-UI-11062, dismissing claimant's request for hearing as untimely, subject to claimant's "right to renew" the request by submitting a response to the "Appellant Questionnaire" attached to the hearing decision within 14 days of the date the decision was mailed.¹ On March 6, 2014, the Office of Administrative Hearings (OAH) received claimant's response. On April 2, 2014, ALJ Kangas reviewed claimant's response and issued hearing decision 14-UI-14015, re-dismissing claimant's late request for hearing. On April 20, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

With her written argument, claimant included information that was not part of the record before the ALJ. Claimant filed to show that factors or circumstances beyond her control prevented her from presenting the information to the ALJ. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information that was part of the record when reaching this decision.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

¹ Hearing Decision 14-UI-11062.

DECISION: Hearing Decision 14-UI-14015 is affirmed.

Susan Rossiter and Tony Corcoran;
D. E. Larson and J.S. Cromwell, *pro tempore*, not participating.

DATE of Service: May 5, 2014

NOTE: You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals within 30 days of the date of service listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310, or visit the website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.